

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

DeJuan Haywood Haggins,

Civil No. 13-503 (DWF/LIB)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

State of Minnesota, Minnesota Commissioner
of Corrections, Nick Vidal, Nick Dechene, and
Patrick Barnum, Prison Guards,

Defendants.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Leo I. Brisbois dated April 24, 2013 (Doc. No. 5). No objections have been filed to that Report and Recommendation in the time period permitted. The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference. Based upon the Report and Recommendation of the Magistrate Judge, and upon all of the files, records, and proceedings herein, the Court now makes and enters the following:

ORDER

1. Magistrate Judge Leo I. Brisbois's April 24, 2013 Report and Recommendation (Doc. No. [5]) is **ADOPTED**.

2. Plaintiff's Complaint (Doc. No. [1]) is **DISMISSED WITHOUT PREJUDICE** for failure to comply with this Court's Order of March 6, 2013 (Doc. No. [3]) and for lack of prosecution.

3. Plaintiff's application to proceed *in forma pauperis* (Doc. No. [2]) is **DENIED AS MOOT.**

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: May 13, 2013

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge